

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
SOUTHERN DIVISION**

**CORNELL MARTIN**

**PLAINTIFF**

**VERSUS**

**CIVIL ACTION NO. 1:08-cv-324-HSO-JMR**

**SHERIFF DAVID ALLISON**

**DEFENDANT**

**ORDER ADOPTING REPORT AND RECOMMENDATION  
TO GRANT DEFENDANTS' MOTION TO DISMISS COMPLAINT**

This cause comes before the Court on the Report and Recommendation [30-1] of Chief United States Magistrate Judge John M. Roper entered in this cause on September 4, 2009. Magistrate Roper reviewed the pleadings on file and determined that based on the record, Defendant's Motion to Dismiss should be granted. Plaintiff did not file an Objection to the Report and Recommendation. After a thorough review of the record, including Defendant's Motion, the briefs and the relevant legal authorities, the Court, being otherwise fully advised in the premises, finds that the Magistrate Judge properly recommended that Defendant's Motion to Dismiss be granted. Therefore, said Report and Recommendation should be adopted as the opinion of this Court.

**IT IS, THEREFORE, ORDERED AND ADJUDGED** that, the Report and Recommendation [30-1] of Chief United States Magistrate Judge John M. Roper entered in this cause on September 4, 2009, should be, and the same hereby is, adopted as the finding of this Court.

**IT IS, FURTHER, ORDERED AND ADJUDGED** that, Defendant's

Motion to Dismiss filed July 28, 2009 [26-1] pursuant to FED. R. CIV. P. 37 and 41(b), should be and is hereby **GRANTED**, and the above captioned cause should be and is hereby **DISMISSED WITH PREJUDICE**.

**SO ORDERED AND ADJUDGED**, this the 24<sup>th</sup> day of September, 2009.

*s/ Halil Suleyman Ozerden*

HALIL SULEYMAN OZERDEN  
UNITED STATES DISTRICT JUDGE